

# **CLINTON TOWNSHIP PLANNING COMMISSION**

## **REPORT OF MEETING**

**FEBRUARY 12, 2009**

**PRESENT:** Kirkanne Moseley, Chairperson  
Ron DiBartolomeo, Vice-Chairperson  
Denise C. Trombley, Secretary  
Stephen Charron  
Fred Gibson  
Peter Henderson  
Ernest Hornung  
Ken Pearl

**ABSENT:** Timothy Grajewski (Excused)

**STAFF:** Carlo Santia, Director  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

Ms. Moseley called the meeting to order at 6:30 p.m.

### **APPROVAL OF AGENDA**

Motion by Mr. Hornung, supported by Mr. Pearl, to approve the agenda as submitted.  
Roll Call Vote: Ayes – Hornung, Pearl, Charron, DiBartolomeo, Gibson, Henderson, Moseley, Trombley. Nays – None. Absent – Grajewski. Motion carried.

### **4.1 ACRES OF LAND LOCATED FRONTING THE EAST LINE OF ROMEO PLANK ROAD, NORTH OF 19 MILE ROAD (SECTION 4)**

- **PROPOSED REZONING FROM R-4 ONE-FAMILY RESIDENTIAL TO OS-1 OFFICE/SERVICE (LOW-RISE)**
  - **CONTINUATION OF PUBLIC HEARING**
- FILE #08-6323: PETITIONED BY GREGORY A. BUSS**  
**REPRESENTED BY RON JONA**
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Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this continued public hearing was issued by regular mail to owners and/or occupants of property located within 300 feet of the property in question, with 7 of those returned as undeliverable.

Mr. Greg Buss, 42657 Garfield, Suite 215, Clinton Township, Michigan 48038, summarized that he was before this Commission on December 11, 2008 with a petition to rezone the 4.1-acre parcel from R-4 to OS-1, and along with that request, he presented a site plan for a 10,000 square foot building. The matter was postponed to tonight so they could present the Commission with more information. He mentioned that a Low-Impact Development Grant was awarded for development of this property. He introduced Mr. Jeff Bednar from Anderson, Eckstein & Westrick and Mr. Ron Jona, architect. Mr. Buss admitted that the 10,000-square-foot building, as originally proposed, was “a bit overwhelming” and he was cognizant of a certain sentiment from the Commissioners and the residents in the immediate area that it was too much of a commercial development for the area. Since the last meeting, he informed that this development has been completely redesigned from a large contemporary development to something smaller and more residential in character. The original design was rectangular, more modern and gave the appearance of a two-story building. He assured the construction of the proposed development has been changed to a gable roof and shingles, and it will have a wood truss design, similar to single-family construction. He cited its appearance as something similar to the residential development in Rivergate Subdivision. He noted that they are proposing to develop this in two phases, and until the market turns around and there is more of a demand, they will only be developing the first phase at this time, which will be occupied by his business. Mr. Buss explained that it is a 4.18-acre site, but the only buildable portion of the site is the one acre closest to Romeo Plank Road, which makes it the southwest corner of the property. Three acres run into the flood plain toward the east side of the property. Mr. Buss explained that he met with the majority of the residents, with the exception of one, and he made several attempts to stop by and talk with him. He added that he is willing to execute a Conservation Easement with regard to the three-acre portion of land that lies in the flood plain, assuring that it will remain untouched. This easement would go with the land so it would apply to any future property owner of this site. The required parking area was automatically reduced in size when they reduced the size of the building.

Mr. Jeff Bednar, of Anderson, Eckstein & Westrick and a member of the Michigan Storm Water Association, explained that the original plan for this parcel involved the development of a 4,000-square-foot single-family house, and the wall of the house was going to be the retaining wall for the floodway. This design was permitted by the Michigan Department of Environmental Quality (MDEQ). The plan was to fill the north portion of the site and pave over 15,000 square feet of surface. There was no consideration required for storm water quality or preserving a storm water area. This did not occur, however, because the property owner at the time found out that Romeo Plank was going to be widened to a 5-lane road and he backed out. Mr. Bednar noted that Mr. Buss contacted him about two years ago, and at approximately that same time, he learned that a grant was being offered by Macomb County Public Works, initiated by the MDEQ. He urged Mr. Buss to go after the grant, and they worked on a plan and submitted it. It was selected by the Macomb County Public Works office.

Ms. Trombley read a letter from Ms. Helen Frasier, 43180 Romeo Plank Road, Clinton Township, Michigan 48038.

Mr. Ron Jona, 29000 Inkster, Southfield, Michigan, stated that when the news came through that Romeo Plank would be widened to five lanes, he felt the area was transformed, and he added that the office is a very good buffer between the residential property and the five-lane road. He assured they are aware of the existing residential nature of the area and the sensitivity to that issue, so they have reduced the footprint and the impact of the project, and they drastically changed the design. The developable portion of the site is long and narrow, so the original plans for the office building mirrored that design, also being long and narrow. When they heard the neighbors' concerns that the building would look massive, he agreed. He pointed out that the visual impact has been reduced by 50%. Mr. Jona pointed out that he designed his current office in Southfield, and it is situated directly across the street from residential development. He showed photographs of how it blends in with the area. He was confident that Mr. Buss will be a great neighbor, and they designed it so that truck traffic will stay away from the south side, which is closest to the neighbors. The low-impact design encouraged them to make the statement that this use can blend into the residential area very well. He pointed out that the Phase I is 3,600 square feet, which is approximately the same size, or even smaller, than other homes in the area.

Ms. Moseley reminded that, although there has been discussion on a specific site plan, the issue before this Commission tonight is a request to rezone and specific site plan issues cannot be considered at this meeting.

Motion by Mr. Henderson, supported by Mr. Charron, to close the public hearing. Roll Call Vote: Ayes – Hornung, Charron, DiBartolomeo, Gibson, Hornung, Moseley, Pearl, Trombley. Nays – None. Absent – Grajewski. Motion carried.

Mr. Bednar explained that they are taking all of the storm water, up to 5-year storm levels, and will infiltrated it into the ground. He stressed this will have no more impact than any other building, and that 2-inches of water will never discharge. He replied to inquiry that the actual flood stages on the Middle Branch are "Zone AE", which means the stages are determined by the North Branch of the Clinton River. He assured this building will have "no adverse impact" on the subject parcel or the neighboring parcels.

Mr. Gary Cowher, 43540 Romeo Plank Road, Clinton Township, Michigan 48038, inquired as to what they intend to do with the 3+ acres of wooded property that they have determined is not buildable.

Mr. Bednar replied that they will have native vegetation within the different planting zones. They will not be planting full-grown trees but there will be replacements of the trees that are dying. He compared a wetland to a "big wet sponge".

Mr. Ed Traskal, 43303 Riverway Drive, Clinton Township, Michigan 48038, stated he lives directly behind the subject property. He showed photographs of water sitting on the subject parcel now, and he claimed that approximately every three months, it "floods

out”. He replied that the photographs were taken the last time it flooded, which he estimated to be around Christmas.

Mr. Bednar clarified that the last flood, referred to by Mr. Traskal, was the 10<sup>th</sup> highest stage ever recorded on the North Branch.

Mr. Traskal inquired as to whether there will be lights in the parking lot.

Mr. Bednar replied that they will have lights in the parking lot, but he assured they will be shielded down so as not to create a problems.

Mr. Jona replied to inquiry that the condensers will be on the side of the building, with the air conditioning vents on the roof. He added that they are residential-size units, though, and will be no larger than that which would accommodate a home of 3,600 square feet.

Mr. Traskal stated when he purchased his property, it was with the impression that it would remain residential. He inquired as to whether he will receive a tax break if this is rezoned. He further inquired as to whether they intend to fill.

Mr. Bednar replied that since the proposed building is not in a flood zone, they have no intention of filling. He replied to further inquiry that this will not affect the power lines.

Mr. Traskal suspected that they will have to fill a portion of the property to develop. He replied to inquiry that the photographs he submitted were taken from his property looking west. He asked that the pictures be made part of the record.

Mr. Bednar looked at the photographs and indicated that they are pictures of the Groth Drain, which is to the north of the subject parcel.

Mr. Traskal complained that residents on Riverway Court claimed they were never notified of this hearing.

Ms. Moseley clarified that anyone living within 300 feet of the subject property should have been notified.

Ms. Brenda Nieman, 43280 Romeo Plank Road, Clinton Township, Michigan 48038, stated she is here tonight on behalf of her mother. She inquired as to specifics on the petitioner’s plans for engineering the property, and she expressed concern about the mention of 2 inches of water that will never be drained. She did not want stagnant water to cause mosquito problems.

Mr. Bednar explained that the stormwater will be running into two raingardens, with the vegetation having a deep root system. The water will infiltrate and the excess will drain out, but will be under the current shelf of the flood plain. They will be adding plants that will pull the water down.

Ms. Nieman pointed out that they are not allowed to build up their properties, so she inquired as to how the petitioner can build up the subject parcel.

Mr. Bednar assured they are not building in the flood plain, and any excess dirt generated as a result of excavation for the building will be hauled off site. There will be sand under the building.

Ms. Nieman felt the property should be developed with a single-family home to keep it in character with the rest of the area. She suspected that the previous owner of the property discovered that no more septic systems are allowed in Clinton Township, and he was most likely told he would have to connect to the City Sewer, which would have amounted to a large cost. She urged the Commission to deny the rezoning.

Mr. Dave Zorn, 44240 Manitou, Clinton Township, Michigan 48038, stated he originally sold this parcel to Mr. Gagnon, who was the owner proposing the development of the single-family home and who, in turn, sold it to Mr. Buss. He inquired as to the flood plain level.

Mr. Bednar replied that the existing flood plain contour is 594 feet, with the highest point at 598 feet. He confirmed his previous statement that there will be more space on site to hold flood water.

Mr. Zorn recalled that Mr. Gagnon had designs of building a spectacular home, but with a lot of pavement and run-off. When he heard about the expansion of Romeo Plank Road into a five-lane road, and the development of two roundabouts within a very short distance from his property, he decided that would not be a good location in which to live. The site was then marketed for 18 months and there were no offers on that property for the development of single-family homes. He was confident that the office use will not negatively affect any of the homeowners in the immediate area, the building will be completely outside of the flood plain and will not impact in any way the rising of flood levels.

Mr. Bednar replied to inquiry that, with the development of this parcel, there will be additional run-off; however, with the proposed plan, that run-off will be captured.

Mr. Santia agreed with Mr. Zorn that there will be more monitoring and requirements on this development than if it were developed as a single-family residential home.

Mr. Zorn was sympathetic to the feelings of the residents, but he noted this is a piece of property that will benefit no one if it remains vacant. He agreed that it will bring a small amount of money into the Township with revenues and jobs, but is a “drop in the bucket” compared to other commercial developments. He pointed out, however, that it is activity in the Township at a time when nothing is going up.

Mr. Jack Watkins, 18940 Riverway Court, Clinton Township, Michigan 48038, across from the Montessori School, expressed concern about increased flood levels on his property if this development is permitted. He recalled similar assurances of no changes to the flood plain were made to the neighbors when John Carlo's building was put up, yet he challenged that the surrounding properties have much higher levels of flooding since that construction was completed.

Mr. Tim Costeiu, 18974 Riverway Court, Clinton Township, Michigan 48038, complained that many of his neighbors did not receive notification of tonight's public hearing. He explained that he went to the Michigan Township Association's website and learned more about zoning issues. He felt this rezoning would do the opposite of what a rezoning is intended to do, and he felt it will harm the property values of the surrounding parcels. He stressed that the property owners around this parcel also pay property taxes that are worth something to the Township, and he threatened that the day this parcel starts to be developed with a commercial building is the day he will look for somewhere else to live. He agreed with the comments previously made by his neighbor regarding the worsened flooding conditions since the John Carlo building went up.

Mr. Zorn inquired as to whether there was other development to the north when the John Carlo development went up.

Mr. Bednar replied that the John Carlo building was constructed during an economic boom and there was a lot of construction activity in the Township and north of it. He replied to further inquiry that he is not aware of too many building projects in Macomb Township that have a low-impact design. He replied to still further inquiry that single-family developments create storm water run-off and many times that water sits on adjacent vacant land.

Mr. David Nieman, 43280 Romeo Plank Road, Clinton Township, Michigan 48038, stated that his mother's house is 1,400 square feet, as are the other houses in the immediate area. He pointed out they are now proposing to construct two buildings totaling 7,000 square feet and are trying to compare it to the smaller homes. He explained that he has been in this area for fifty years and he grew up on that farm. The entire area was residential and he recalled being able to "jump across the creek". He noted that the "creek" has doubled in size since that time, and he attributes it to all of the development in the area. He felt the development of the subject parcel will make it even worse.

Mr. George Clark, 18971 Pierport Court, Clinton Township, Michigan 48038, complained that he paid an additional \$25,000 for his lot so he could "look at nature". He questioned what the petitioner is going to do to make sure he does not look at the back of a building.

Mr. Jona assured that the rear elevation and the front elevation are the same, with brick and windows on both.

Mr. Buss reminded that the building is only being constructed on the front one-acre portion of the property and there are three acres remaining to the rear that will be untouched. He estimated that the back of the proposed building will be at least 400 feet from the nearest home. He maintained that he looked at some of the larger homes in Rivergate Subdivision and felt these buildings are patterned similar to those homes. They will have lower roof lines and will be residential in character.

Mr. Clark agreed that they may have a residential appearance, but he stressed that he paid extra for his lot so that he would not have to look at any development, including any other homes.

Mr. Jona stressed they believe in earnest that the proposed development will have a positive impact on the flood plain management in the area because they can add vegetation that will replace the trees that are dying, and they will create an area for retention of water and a raingarden that will help to absorb the run-off. He was confident that the area will be better off after this development is completed.

Motion by Mr. Pearl, supported by Mr. Henderson, to close the public hearing. Roll Call Vote: Ayes – Pearl, Henderson, Charron, DiBartolomeo, Gibson, Hornung, Moseley, Trombley. Nays – None. Absent – Grajewski. Motion carried.

Mr. Charron inquired as to who verifies compliance on low-impact developments and who will follow up to make sure this follows all the steps in accordance with the grant.

Mr. Bednar replied that the Grant Administrator, which is the Macomb County Public Works, in tandem with the Michigan Department of Environmental Quality. He explained there is a maintenance plan and they will follow up to make systems are not only designed well but are also maintained.

Mr. Charron inquired as to whether this grant would have to be obtained if he wanted to build a single-family development on this parcel.

Mr. Santia replied that a house can be constructed on this property without a grant, but they would need the approval of the DEQ. The reason they are before this Commission is to seek a rezoning so they can construct an office on the property.

Mr. Pearl inquired as to how much run-off will result from this property being developed with the proposed plan.

Mr. Bednar replied that a 2-inch rainfall within a 24-hour period is considered a “5-year event”. He assured that two inches will be retained without any of that being run-off, so basically in a storm that occurs only once in five years, they would still not have any run-off. He replied to further inquiry that a single-family home would start to discharge water run-off after approximately two-tenths of an inch. Mr. Bednar replied that he would be glad to put this in writing that they are providing retention for two inches; however, he noted that it is already been written into the grant.

Mr. Pearl recalled that this Commission had requested the petitioner to change his plan so that it would be more residential in character, and the proposed plan appears to meet that request. He questioned whether the height of the building has been scaled down.

Mr. Jona apologized for not having the previous plan with him tonight, but estimated that the former plan depicted a roof approximately four feet higher than what is now proposed. He added that this is a one-story building, measured 21 feet at centerpoint, with a maximum height that could be 35 feet. He pointed out that a house could be a two-story structure with a height of 35 feet.

Mr. Pearl inquired as to whether additional trees could be planted in the back.

Mr. Bednar assured that additional landscaping is already part of the plan, but he agreed that they could include additional trees in the back.

Mr. Pearl pointed out that there are office buildings constructed directly adjacent to homes on Harper. He was confident that no one wants this to look like Garfield, and he thanked the residents for coming out to voice their concerns. The only way he would consider this proposal is if it were “cemented in writing”. He felt the petitioner would have to request a Conditional Zoning Agreement that would guarantee that all of the features being discussed tonight would be in writing. He cautioned that if the Township approves a standard rezoning of the property to OS-1, the petitioner could sell the property or change his mind, and there would be no obligation for him to follow any of the agreements he has made tonight.

Mr. Buss understood and recalled on December 11<sup>th</sup>, that issue was raised and he assured he would be more than happy to enter into a Conditional Zoning Agreement with the Township. That would include a site plan that would be approved by the Township. He assured that he does not mind agreeing to additional plantings to provide a screen but he is not sure about the hydrology and whether he would be making a promise he could not keep. He assured, however, that he would be glad to agree to a Conservation Easement that would require the flood plain area to remain natural, and he is willing to include that on his site plan.

Mr. Santia explained that, based upon the discussion, that the petitioner is offering a Conditional Zoning Agreement, with a site plan and letter outlining his plans, including the planting of some additional trees along the south boundary. He suggested some additional trees along the east boundary as well. He further noted that the petitioner is agreeing to provide a Conservation Easement.

Mr. Buss assured he will forward the documents to Mr. Santia.

Mr. Santia explained that they will be reviewed by Mr. John Dolan, Township Attorney, then will go to the Planning Commission for their review and recommendation, then forwarded to the Township Board for their final action.



Discussion took place regarding whether the original rezoning request has to be rescinded.

Mr. Buss stated that, based upon the discussion tonight and the willingness of the Commission to entertain a Conditional Zoning Agreement, he would like to withdraw his formal rezoning request.

Mr. Bednar replied that the grant “has been out there” for a couple of years; however, the Public Works office and the MDEQ are aware of the rezoning issue. Mr. Bednar added that they have been keeping them updated with progress reports, so they know the project is going forward.

Discussion took place regarding the anticipated time frame to complete the paperwork..

Mr. Jona explained that it will look something like the site plan shown tonight, but will be more detailed and will include a landscape plan.

Mr. Santia replied that the engineering plans do not need to be submitted at this time.

Mr. Gibson inquired as to whether the flood elevation of 594 feet is close to the building.

Mr. Bednar looked at it and indicated that, while it is close, he will make sure the building is away from the flood area.

Mr. Charron inquired as to how much this development is anticipated to cost if it is approved by the Township.

Mr. Buss replied that they will be saving some cost because of the residential-type construction of the building. He explained some of the other costs are not reduced, however, including bringing the sanitary sewer lines in from across the road; in fact, the smaller the building, the more costly to bring in these lines because the cost cannot be spread over more tenants. He explained that he likes the beauty of the site and what it offers, although he cannot begin to estimate at this time what his final cost will be.

Motion by Mr. Pearl, supported by Mr. Charron, with reference to File #6323 and application from Gregory A. Buss, Clinton Forest Office Park, LLC, 42657 Garfield Road, Suite 215, Clinton Township, Michigan 48038, as represented by Ron Jona, Ron Jona & Associates, 29000 Inkster Road, Suite #120, Southfield, Michigan 48034, concerning the proposed rezoning of 4.1 acres of land fronting the east line of Romeo Plank Road, north of 19 Mile Road (Section 4), from R-4 One-Family Residential to OS-1 Office/Service (Low-Rise), that further consideration of this request is postponed until Thursday, March 12, 2009 at 6:30 p.m. at the request of the petitioner, who has stated he would like to withdraw his request for a traditional rezoning and submit a Conditional Zoning Agreement that would be considered by the Planning Commission and Township Board, and would allow development of an office on the subject parcel. Roll Call Vote:

Ayes – Pearl, Charron, DiBartolomeo, Gibson, Henderson, Hornung, Moseley, Trombley. Nays – None. Absent – Grajewski. Motion carried.

**COMMITTEE APPOINTMENTS**

- **ADMINISTRATIVE COMMITTEE**
  - **BOARD OF APPEALS LIAISON**
  - **LANDSCAPE COMMITTEE**
  - **MASTER PLAN COMMITTEE**
  - **ORDINANCE UPDATE COMMITTEE**
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Mr. Pearl indicated that he would be willing to give up his position on the Landscape Committee and the Master Plan Committee, and suggested that Mr. Hornung fill his place.

Mr. Hornung agreed to serve on both the Landscape and Master Plan Committees.

Mr. Pearl indicated he is still interested in continuing to serve on the Ordinance Update Committee.

Motion by Mr. DiBartolomeo, supported by Mr. Henderson, to approve the Committee Appointments as follows:

Administrative Committee: Kirkanne Moseley, Chairperson  
Ron DiBartolomeo, Vice-Chairperson  
Denise C. Trombley, Secretary

Board of Appeals Liaison: Denise C. Trombley

Landscape Committee: Kirkanne Moseley  
Peter Henderson  
Ernest Hornung  
Denise C. Trombley

Master Plan Committee: Stephen Charron  
Timothy Grajewski  
Ernest Hornung  
Kirkanne Moseley

Ordinance Update Committee: Dean Reynolds  
Ron DiBartolomeo  
Peter Henderson  
Ken Pearl  
Frank Marella (Board of Appeals Liaison)

Roll Call Vote: Ayes – DiBartolomeo, Henderson, Charron, Gibson, Hornung, Moseley, Pearl, Trombley. Nays – None. Absent – Grajewski. Motion carried.

**REPORTS OF MEETINGS**

**-- APPROVAL OF DECEMBER 11, 2008 REPORT**

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Motion by Mr. DiBartolomeo, supported by Mr. Hornung, to approve the report of the December 11, 2008 meeting, as presented. Motion carried.

**DISCUSSION ON NEXT MEETING AGENDA**

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Mr. Santia advised that there is a public hearing for a Special Land Use Application for Fifth Third Bank, to be located in front of the Regional Shopping Center, just south of the Old Country Buffet.

**ADJOURNMENT**

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Motion by Mr. DiBartolomeo, supported by Mr. Hornung, to adjourn the meeting. Motion carried. Meeting adjourned at 8:03 p.m.

Respectfully submitted,

Denise C. Trombley, Secretary  
CLINTON TOWNSHIP PLANNING COMMISSION

ces:02/16/09

ces:02/24/09